

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

KEVIN SULLIVAN,	)	
	)	Case No. _____
Plaintiff,	)	
	)	
vs.	)	<b>NOTICE OF REMOVAL</b>
	)	
CITY OF BELLEVUE, NEBRASKA,	)	
	)	
Defendant.	)	

Defendant City of Bellevue, Nebraska ("Defendant" or "City of Bellevue"), by and through its undersigned attorneys, hereby files its Notice of Removal of the above-captioned action to this Court and states as follows:

1. The City of Bellevue is the named defendant in Case No. CI 10 1422 filed in the District Court of Sarpy County, Nebraska (the "State Court Action").
2. The Plaintiff filed his Amended Complaint in the State Court Action with the Clerk of the District Court of Sarpy County, Nebraska, on or about July 23, 2010.
3. The Plaintiff served the City of Bellevue through the City of Bellevue's Clerk, Kay Dammast, at 210 West Mission Avenue, Bellevue, Nebraska 68005 on or about July 26, 2010.
4. The City of Bellevue files this Notice of Removal within 30 days after being served with a copy of the Plaintiff's Amended Complaint setting forth the claims upon which this removal is based. The City of Bellevue has not filed any responsive pleadings in the District Court of Sarpy County, Nebraska, prior to filing this Notice of Removal.
5. By this Notice of Removal, the City of Bellevue does not waive any defense, jurisdictional or otherwise, which it may possess.
6. Pursuant to 28 U.S.C. § 1446(a), the Defendant attaches as Exhibit A copies of all process, pleadings, and orders served upon it in the State Court Action.

7. In his Amended Complaint, the Plaintiff alleges that the City of Bellevue violated 29 U.S.C. § 626(c)(1) of the Age Discrimination in Employment Act of 1967 and 42 U.S.C. § 12101 of the Americans With Disabilities Act of 1990. (Amended Complaint ¶¶ 1-17, 22-33) The Plaintiff also alleges that the City of Bellevue violated Neb.Rev.Stat. § 48-1008 by unjustly discriminating against him on the basis of his age; violated the Nebraska Fair Employment Practice Act, Neb.Rev.Stat. § 48-1101 et seq.; and, violated Nebraska common law by wrongfully terminating him in violation of public policy and by inflicting emotional distress on him. (Amended Complaint ¶¶ 18-21, 34, 35-39)

8. A civil action is removable if the Plaintiff could have originally brought the action in federal court. *See* 28 U.S.C. § 1441(a).

9. This Court has original federal question jurisdiction over the State Court Action pursuant to 28 U.S.C. § 1331 and 42 U.S.C. § 2000e-5(f)(3).

10. Promptly after filing this Notice of Removal, the Defendant will give written notice to the adverse party as required by 28 U.S.C. § 1446(d) and will deliver a copy of this Notice to the District Court of Sarpy County, Nebraska.

DATED this 25th day of August, 2010.

CITY OF BELLEVUE, NEBRASKA,  
Defendant

By: s/George E. Martin III  
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ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing was filed electronically with the United States District Court for the District of Nebraska, and a copy was sent via United States Mail, postage prepaid, this 25th day of August, 2010, to the Plaintiff, addressed to his attorney at follows:

Carol A. Cleaver  
Benjamin W. Thompson  
Thompson Law Office, PC, LLO  
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Omaha, NE 68114

s/George E. Martin III  
Attorney for Defendant